

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JASON SHERWOOD,

Petitioner,

v.

DWIGHT BARBEE,

Respondent.

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Case No. 3:12-cv-0926

Judge Trauger

ORDER

Before the court are petitioner Jason Sherwood's objections (ECF No. 55 and 56) to Magistrate Judge Griffin's Report and Recommendation (ECF No. 52), recommending that the respondent's motion to dismiss Sherwood's § 2254 habeas petition as barred by the statute of limitations be granted. Also before the court is Sherwood's Motion for Review by District Court (ECF No. 56).

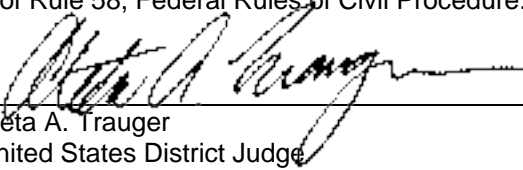
Insofar as the latter motion, in part, seeks the district court's review of his objections, the motion is hereby **GRANTED** in accordance with 28 U.S.C. § 636(b)(1)(C), which requires the district judge to consider *de novo* any portion of a report and recommendation regarding a dispositive motion to which a party objects.

With respect to the petitioner's actual objections at ECF Nos. 55 and 56, for the reasons set forth in the accompanying Memorandum Opinion, the court **OVERRULES** the objections, **ACCEPTS** the R&R, **GRANTS** the respondent's motion to dismiss (ECF No. 8), and hereby **DISMISSES** the petition under § 2254 as barred by the statute of limitations.

For the reasons also set forth in the Memorandum Opinion, the court **GRANTS** a certificate of appealability on the question of whether extraordinary circumstances warrant equitable tolling in this case.

It is so **ORDERED**.

This is the final order in this case for purposes of Rule 58, Federal Rules of Civil Procedure.



Aletha A. Trauger
United States District Judge